THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

DATED: 08-09-2005

-

WRIT PETITION No.19804 OF 2005

-

-

-

Between:

Smt. Vachala Bai . . .Petitioner

And

The Special Deputy Collector (TW), Utnoor & others. . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.19804 OF 2005

–

O R D E R:

At the instance of the second respondent, the first respondent took up proceedings against the petitioner and certain others under the Andhra Pradesh Schedule Area Land Transfer Regulations, 1959, read with Amended Regulation 1 of 1970 (for short "the Regulations"), as case No.TWA/2/54/2003. Through his order dated 27-08-2005, the first respondent held that the alienation in favour of the petitioner and others is contrary to the Regulations and directed resumption of land shown in the order. The grievance

of the petitioner is that though the Regulations provide for filing an appeal within two months, the second respondent is taking steps to evict her from the land and that there is a standing crop over it. She seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The Regulations provide for an appeal against an order passed by the Special Deputy Collector. It is true that the limitation for filing an appeal is two months. However, it cannot be inferred that the order of eviction passed by the Special Deputy Collector cannot be enforced till the expiry of the limitation for filing the appeal.

When there is a statutory remedy of appeal against the order of eviction, this Court is not inclined to entertain the writ petition challenging the order passed by the Special Deputy Collector. The petitioner can certainly prefer an appeal before the Agent to Government and seek necessary interim orders to protect her rights.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing that the order passed by the first respondent in Case No.TWA/2/54/2003, dated 27-08-2005, shall remain suspended for a period of two months from today. In the meanwhile, it shall be open to the petitioner to file an appeal and obtain necessary interim orders from the appellate authority.

_____

(L.NARASIMHA REDDY, J)

8th SEPTEMBER, 2005.

Note: furnish c.c. in three days.

B/o

kvni